

## REMARKS

In the Office Action mailed July 18, 2003, the Examiner noted that claims 1-12 were pending, and rejected all claims. Claims 1-12 have been amended, and, thus, in view of the forgoing claims 1-12 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections are traversed below.

In the Office Action the Examiner rejected claims 1-12 under 35 U.S.C. section 112 paragraph 2 as indefinite and provided comments and suggestions regarding the claims. The claims have been amended in consideration of the Examiner's comments and it is submitted they satisfy the requirements of the statute. If additional concerns with the claims arise, the Examiner is invited to telephone to resolve the same. Suggestions by the Examiner are also welcome. Withdrawal of the rejection is requested.

On page 3 of the Office Action the Examiner rejected claims 1, 5, 9 and 11 under 35 U.S.C. § 102 as anticipated by Tindell.

Tindell is directed to a system that considers a related set of tasks as a transaction. The transaction has a re-arrival period  $T$  which is a minimum time between transactions. Within the transaction are member tasks. Each of the tasks has a start time. The task start time is a fixed time offset after the start of the transaction. That is, the offset in Tindell is a task offset from the start of the transaction not a transaction offset for the start of the transaction from some other time such as a base time.

The Examiner did not elaborate on what within Tindell is alleged to be comparable to what within the invention of claims 1, 5, 9 and 11. Assuming for arguments sake that a transaction is comparable to a schedule and a re-arrival period is comparable to a base time, the invention of claims 1, 5, 9 and 11 has an offset for the re-arrival period of the transaction where the offset is an offset from a base time. Something that Tindell does not teach or suggest. Alternatively, assuming for arguments sake that the start time of the present invention is comparable to the re-arrival period of Tindell, then the invention has a re-arrival period that is defined by a base time and an offset. In this situation, Tindell does not teach or suggest either a base time an offset. That is, the invention of claims 1, 5, 9 and 11 has a feature that Tindell does not teach or suggest. This ability to set a schedule start time with an offset, something not taught by Tindell, allows the invention of claims 1, 5, 9 and 11 to provide a flexibility in scheduling not found in Tindell.

In addition, the base time of the present invention of claims 1, 5, 9 and 11 has a name ("a base time name"). This base time name allows the schedule to be managed by reference to base time names ("managing ... using base time names"). (See figure 7 and the discussion on page 20 starting at line 17) The use of a base time name also introduces a flexibility into schedule management not found in or suggested by Tindell because to change a schedule start time all that needs to be done is to change the name.

It is submitted that the present claimed invention of claims 1, 5, 9 and 11 patentably distinguishes over Tindell for the above discussed reasons and withdrawal of the rejection is requested.

On page 4 of the Office Action the Examiner rejected claims 3, 7, 10 and 12 under 35 U.S.C. § 102 as anticipated by Palencia.

Palencia discusses a system in which a transaction is activated by an external event (or a sequence of external events). In this situation, assuming for arguments sake that a transaction is comparable to a schedule, Palencia starts a schedule based on an external event. The Palencia transaction, like in Tindell, contains a set of tasks. Each task within a transaction is activated at some time or offset after the external event has occurred. That is, like Tindell, Palencia discusses offset of tasks from the start of a transaction (or schedule) and not the offset of a transaction (schedule) from some time.

In contrast, the invention of claims 3, 7, 10 and 12 emphasizes that the "start time" of a (first) schedule is defined or set by an "offset" from an "end time" of a prior or another (second) schedule. Palencia says nothing about referencing a schedule based on an offset from an end time of another schedule.

It is submitted that the present claimed invention of claims 3, 7, 10 and 12 patentably distinguishes over Palencia for the above discussed reasons and withdrawal of the rejection is requested.

Page 6 of the Office Action rejects claims 2 and 6 under 35 U.S.C. § 103 over Tindell and George.

The invention of claims 2 and 6 calls for resetting the schedule start time of the schedules when the base time name (and base time) is changed. George includes Task Control Blocks (TCBs) that expire or start based on current time settings. As a result, there is no concept or suggestion in George of changing data that causes all the tasks having that data to

also be changed as in the invention of claims 2 and 6.

It is submitted that the present claimed invention of claims 2 and 6 patentably distinguishes over Tindell and George for the above discussed reasons and withdrawal of the rejection is requested.

Page 7 of the Office Action rejects claims 4 and 8 under 35 U.S.C. § 103 over Palencia and George. This rejection is traversed for the same reason as discussed above with respect to claims 4 and 8.

It is submitted that the claims satisfy the requirements of 35 U.S.C. section 112. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.


Respectfully submitted,

STAAS & HALSEY LLP

Date: \_\_\_\_\_

11/18/13

By: \_\_\_\_\_

  
J. Randall Beckers  
Registration No. 30,358

1201 New York Avenue, NW, Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501